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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,176	02/26/2002	Toshitaka Hasegawa	826.1796	2408

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EXAMINER
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CHEN, TSE W

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/082,176

Applicant(s)

HASEGAWA, TOSHITAKA

Examiner

Tse Chen

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment dated June 22, 2006.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
3. Claims 1-17 are presented for examination.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "Carrier wave" is non-statutory as not being tangibly embodied in a manner so as to be executable. Hence, claim 15 has not been further treated on the merits in the instant Office Action.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Morimoto et al., US Patent 5867716, hereinafter Morimoto.
7. In re claim 17, Morimoto discloses a power supply control method [col.1, ll.11-20], comprising:

Art Unit: 2116

- Providing power-up and power-down dates and times [schedule] to plural computers [e.g., 624, 625] [col.13, l.62 – col.14, l.22].
- Performing a power-up of said plural computers if a date and time for a power-up arrives and no instruction is provided [col.5, ll.18-24; automatic power-up].

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4, 7-10, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art from the original specification and drawings filed on February 26, 2002, hereinafter AAPA, in view of Morimoto, and Watts, US Patent 6336161.

10. In re claim 1, AAPA discloses a power supply control method in a system [fig.2] in which a power supply control device [e.g., 112, 122] is provided for each of a plurality of information processing devices [e.g., 111, 121] connected to a network, comprising:

- A representative information processing device [111] of the plurality of information processing devices issuing, according to a predetermined power-up/down schedule of said representative information processing device and other information processing devices, a power-up instruction to each power supply control device of the other information processing devices upon each activation [pg.7, ll.10-17].
- Instructing each of the other information processing devices to perform a power-down process [pg.7, ll.1-5].

Art Unit: 2116

11. AAPA did not disclose notifying each of the other information processing devices of a next power-up date and time, having each power supply control device enter a next power-up date and time and performing a power-up process when the entered power-up date and time comes; and did not disclose explicitly entering a next power-up date and time each time a power-down date and time comes [i.e., when to enter].

12. Morimoto discloses a power supply control method in a system [fig.17] in which a power supply control device [e.g., 112, 114] is provided for each of a plurality of information processing devices [e.g., 624, 625] connected to a network, comprising:

- A representative information processing device [600] of the plurality of information processing devices.
- Notifying each of the other information processing devices of a next power-up date and time and having each power supply control device enter a next power-up date and time [col.13, l.62 – col.14, l.22].
- Each power supply control device of said other information processing devices performing a power-up process when the entered power-up date and time comes [col.5, ll.18-24].

13. Watts discloses a power supply control method in a system [fig.1], comprising having each power supply control device enter system data [next power-up date and time] each time a power-down mode [date and time] comes [fig.2a].

14. It would have been obvious to one of ordinary skill in the art, having the teachings of AAPA, Morimoto and Watts before him at the time the invention was made, to modify the system taught by AAPA to include the teachings of Morimoto, as the distributed computing

Art Unit: 2116

architecture capable of preventing single point failure is well known and suitable for use with AAPA; and include the teachings Watts, as the saving of system data [e.g., next power-up date and time] prior to power-down to capture the most updated data is well known and suitable for use with AAPA. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to efficiently operate a system of a plurality of information processing devices [Morimoto: col.1, l.6 – col.2, l.11; distributed computing enables load balancing and other efficient operations] and safely restore the states of an information processing device after power-down [Watts: col.2, ll.38-49].

15. In re claim 2, AAPA, Morimoto and Watts disclose each and every limitation as discussed above in reference to claim 1. AAPA further discloses, issuing a power-down instruction to each of the other information processing device each time a power-down date and time comes [pg.7, ll.1-5].

16. As to claims 3-4 and 10, Morimoto discloses, wherein said power-up date and time given to each of said power supply control devices of said other information processing devices is obtained by any of said information processing devices or each of said other information processing devices adding an arbitrary margin to a power-up date and time in said predetermined power-up/down schedule [col.13, ll.50-54; arbitrary zero margin added to default].

17. As to claims 7-8 and 12, Morimoto discloses, wherein said power-up instruction or power-down instruction is sequentially issued at predetermined startup intervals [schedule] or power-down intervals [col.12, ll.11-21, ll.33-55].

Art Unit: 2116

18. In re claim 9, AAPA, Morimoto and Watts disclose each and every limitation as discussed above in reference to claim 1. AAPA, Morimoto and Watts disclose the method of operating the apparatus; therefore, AAPA, Morimoto and Watts disclose the apparatus.

19. In re claim 13, AAPA, Morimoto and Watts disclose each and every limitation as discussed above in reference to claim 1. AAPA, Morimoto and Watts disclose the method of operating the device; therefore, AAPA, Morimoto and Watts disclose the device.

20. In re claim 14, AAPA, Morimoto and Watts disclose each and every limitation as discussed above in reference to claim 1. AAPA, Morimoto and Watts disclose the method; therefore, AAPA, Morimoto and Watts disclose the program realizing the functions of the method.

21. Claims 5-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA, Morimoto and Watts as applied to claims 1, 2 and 9 above, and further in view of Sugahara et al., European Publication 0936532, hereinafter Sugahara.

22. AAPA, Morimoto and Watts disclose each and every limitation as discussed above. AAPA, Morimoto and Watts did not disclose a permission condition.

23. Sugahara discloses an information processing device which is a representative information processing device [31] in a plurality of information processing devices in a computer system [fig.1], comprising a power permission condition [status information] storage unit [44] for storing a power permission condition of a predetermined current and other information processing devices [clients] and does not give the power instruction and the next power data and time before a power permission condition is satisfied although the power data and time comes [0046; issuance of power instruction at designated time is based on satisfying of conditions].

Art Unit: 2116

24. It would have been obvious to one of ordinary skill in the art, having the teachings of AAPA, Morimoto, Watts and Sugahara before him at the time the invention was made, to modify the information processing device taught by AAPA, Morimoto and Watts to include the teachings of Sugahara, in order to obtain the claimed information processing device and associated method. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to efficiently control power consumption [Sugahara: 0010].

25. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA, in view of Morimoto, and Slaughter et al., US Patent 6014669, hereinafter Slaughter.

26. AAPA discloses a power supply control method for a plurality of information processing devices [e.g., 111, 121], comprising:

- Issuing, by one of said information processing devices [111], a power-up instruction to each of the information processing devices upon each activation [pg.7, ll.10-17].
- Instructing, by said one of said information processing devices, each of the other information processing devices to perform a power-down process [pg.7, ll.1-5].

27. AAPA did not disclose automatic power control at each of the other information processing devices.

28. Morimoto discloses a power supply control method in a system [fig.17] in which a power supply control device [e.g., 112, 114] is provided for each of a plurality of information processing devices [e.g., 624, 625] connected to a network, comprising:

- Notifying, by said one of said information processing devices [600], each of the information processing devices of a next power-up data and time [col.13, l.62 – col.14, l.22].



- Entering said next power-up date and time in each of the other information processing devices [col.13, l.62 – col.14, l.22].
- Performing a power-up process of each the other information processing devices when the next power-up date and time comes if no further power-up instruction has been received from said one of said information processing devices [col.5, ll.18-24].

29. It would have been obvious to one of ordinary skill in the art, having the teachings of AAPA, Morimoto and Slaughter before him at the time the invention was made, to modify the system taught by AAPA to include the teachings of Morimoto, as the distributed computing architecture capable of preventing single point failure [Slaughter: col.1, ll.41-54] is well known and suitable for use with AAPA. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to avoid single point failure.

#### *Response to Arguments*

30. Applicant's arguments dated June 22, 2006 regarding rejections of the claims using prior art Budnik have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tse Chen whose telephone number is (571) 272-3672. The examiner can normally be reached on Monday - Friday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2116

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tse Chen  
July 5, 2006

  
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